

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1617

IN THE MATTER OF:

Served November 5, 1976

Application of EDWARDS TRUCKING)
COMPANY, INC., for Certificate of)
Public Convenience and Necessity to)
Perform Charter Operations Pursuant)
to Contracts)

Application No. 971

Docket No. 357

By Application No. 971, filed October 13, 1976, and supplemented October 18, 1976, Edwards Trucking Company, Inc. (Edwards) seeks a certificate of public convenience and necessity, pursuant to Title II, Article XII, Section 4(b) of the Compact, to perform charter operations pursuant to contracts. Edwards seeks authority to render charter operations pursuant to a contract with the United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA) and pursuant to a contract with the United States Nuclear Regulatory Commission (NRC).

With respect to the NOAA contract, Edwards seeks authority to transport persons traveling on official government business and government employees, together with mail, over irregular routes, among specified points within the District of Columbia, Montgomery County and Prince George's County, Maryland. The proposed transportation would involve three separate scheduled operations. The first schedule would include stops at the FB-4 Building, Silver Hill and Suitland Road, Suitland, Maryland, World Weather Building, 5200 Auth Road, Camp Springs, Maryland, Washington Navy Yard, Washington, D. C., Agriculture Building, 12th Street and Independence Avenue, S. W., and 14th Street and Independence Avenue, S. W., Washington, D. C., Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., and Page Building, 3300 Whitehaven Street, N. W., Washington, D. C. The second schedule would include stops at the WSC Building, 6001 Executive Boulevard and 6010 Executive Boulevard, Rockville, Maryland, North Bethesda Office Center, 11420 Rockville Pike, Rockville, Maryland, and Grannax Building, 8060 13th Street, Silver Spring, Maryland. The third schedule would include stops at the Page Building, WSC Building, North Bethesda Office Center, Grannax Building, University of Maryland, Regents Drive, College Park, Maryland, ACF-1 Building, 6501 Lafayette Avenue, Riverdale, Maryland, and Commerce Building. Each of the schedules would involve a round-trip shuttle service among the several stops. The contract between Edwards and NOAA was originally effective for a period of three months between July 1, 1976, and September 30, 1976, and has since been extended for a period of one year to expire September 30, 1977.

The proposed regularly scheduled shuttle service would be provided on a daily basis except Saturdays, Sundays, and government holidays and would include concurrent extra shuttle service to accommodate occasional passenger overflows if required. Edwards would be paid \$70 per day for each schedule operated pursuant to the contract with NOAA. Passengers traveling in the proposed shuttle service would not pay per capita fares. Edwards would render the proposed shuttle services in vans.

With respect to the NRC contract, Edwards seeks authority to transport persons traveling on official government business, government employees, and others traveling for personal convenience, together with mail, over irregular routes, between the NRC office at 1717 H Street, N. W., Washington, D. C., and the NRC office at 7920 Norfolk Avenue (Phillips Building), Bethesda, Maryland. The contract has a one-year term commencing July 1, 1976. The proposed regularly scheduled shuttle service would be provided on a daily basis except Saturdays, Sundays, and government holidays and would include concurrent extra shuttle bus service to accommodate occasional passenger overflows. The proposed shuttle service would depart southbound from 7920 Norfolk Avenue to 1717 H Street at 8 A. M., 8:35 A. M., 9:10 A. M., 9:45 A. M., 10:20 A. M., 10:55 A. M., 11:30 A. M., 12:05 P. M., 12:40 P. M., 1:15 P. M., 1:50 P. M., 2:25 P. M., 3 P. M., 3:35 P. M., 4:10 P. M., and 4:45 P. M., and would terminate at 5:20 P. M. The proposed shuttle service would depart northbound from 1717 H Street to 7920 Norfolk Avenue at the same times. Edwards would be paid \$8.52 for each round-trip rendered pursuant to the foregoing schedules. Passengers traveling in the proposed shuttle service would not pay per capita fares. Edwards would render the proposed shuttle service in motor vehicles having a minimum seating capacity for 15 passengers.

Title II, Article XII, Section 4(b) of the Compact mandates that, whenever an application is made for a certificate of public convenience and necessity, the Commission shall issue a certificate to any qualified applicant therefor, "if it finds, after hearing held upon reasonable notice, that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity; otherwise, such application shall be denied." Pursuant to this mandate, the Commission shall schedule a public hearing to develop an appropriate record. Edwards shall be assessed an amount, preliminarily estimated to be sufficient to cover the expenses which the Compact, Title II, Article XII, Section 19(a) requires the carrier to bear.

The Commission shall require Edwards to submit and be prepared to support with a competent witness, statements projecting revenues and revenue deductions for a one-year period for each proposed charter operation pursuant to contract. Edwards shall be directed to file six (6) copies of each statement with the Commission and serve one copy of each on every party of record on or before Wednesday, December 1, 1976. Edwards shall be prepared to present evidence that public convenience and necessity require the proposed services.

Edwards has sought temporary authority from the Commission. With respect to the proposed charter operations pursuant to contract with NOAA, Edwards states that the shuttle service involves the transportation of between 45 and 50 employees per day. Edwards also states that it is the only carrier which is qualified to provide the services in that the NOAA contract is a "sole source" contract instituted under the "8A Program" of the Small Business Administration. Apparently, as the only carrier so qualified, Edwards' contract is renewed automatically each year. With respect to the proposed charter operations pursuant to contract with NRC, Edwards states that the shuttle service involves the transportation of between 100 and 120 employees per day in two vehicles. Edwards also states that the employees of NRC need the proposed shuttle service to travel to and from work.

The Commission may, in its discretion and without hearing or other proceedings, authorize a carrier to provide a service for which there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need. See Compact, Title II, Article XII, Section 4(d)(3).

The Commission finds that NOAA has an immediate and urgent need to transport persons traveling on official government business and government employees, together with mail, over irregular routes, among specified points within the District of Columbia, Montgomery County and Prince George's County, Maryland. The Commission also finds that there would be no carrier service operating between these points capable of meeting NOAA's need for the proposed shuttle service. In order to enable the provision of this proposed transportation service, the Commission shall grant Edwards temporary authority to perform charter operations pursuant to contract with NOAA. Of course, the grant of temporary authority creates no presumption that corresponding permanent authority will be granted.

The Commission finds that NRC has an immediate and urgent need to transport persons traveling on official government business, government employees, and others traveling for personal convenience, together with mail, over irregular routes, between the NRC office at 1717 H Street, N. W., Washington, D. C., and the NRC office at 7920 Norfolk Avenue (Phillips Building), Bethesda, Maryland. The Commission also finds that there would be no carrier service operating between these points capable of meeting NRC's need for the proposed shuttle service. In order to enable the provision of this transportation service, the Commission shall grant Edwards temporary authority to perform charter operations pursuant to contract with NRC. Of course, the grant of temporary authority creates no presumption that corresponding permanent authority will be granted.

THEREFORE, IT IS ORDERED:

1. That Application No. 971 of Edwards Trucking Company, Inc., be, and it is hereby, scheduled for public hearing to commence Tuesday, December 7,

1976, at 9:30 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

2. That Edwards Trucking Company, Inc., publish once in a newspaper of general circulation in the Metropolitan District and post continuously until the hearing date in each of its vehicles notice of the application and hearing in the form prescribed by the staff of the Commission no later than Wednesday, November 10, 1976, and present at the hearing a certificate of publication from the selected newspaper and a certificate of posting.

3. That six (6) copies, the originals to be submitted at the hearing, of the statements required hereinbefore be filed by Edwards Trucking Company, Inc., and one copy of each served on every party of record on or before Wednesday, December 1, 1976.

4. That any person desiring to protest shall file a protest in accordance with Commission Rule 14, or any person desiring to be heard on this matter shall notify the Commission, in writing, on or before Friday, November 26, 1976, and shall mail a copy of such notice to counsel of record for Edwards Trucking Company, Inc., Donald L. Noble, Esquire, 9401 Indian Head Highway, Oxon Hill, Maryland 20022.

5. That Edwards Trucking Company, Inc., be, and it is hereby, assessed \$200 pursuant to the provisions of the Compact, Title II, Article XII, Section 19 and directed to deliver said amount to the office of the Commission, Room 316, 1625 I Street, N. W., Washington, D. C., on or before Friday, November 26, 1976.

6. That Edwards Trucking Company, Inc., be, and it is hereby, granted temporary authority to transport persons traveling on official government business and government employees, together with mail, in charter operations, over irregular routes, among specified points within the District of Columbia, Montgomery County and Prince George's County, Maryland, pursuant to contract with the United States Department of Commerce, National Oceanic and Atmospheric Administration.

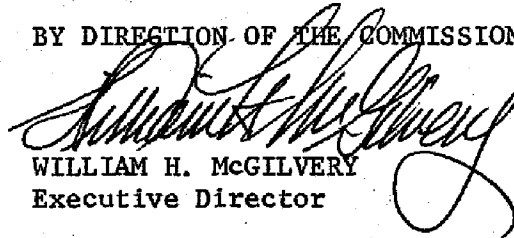
7. That unless otherwise provided by order of the Commission the temporary authority granted herein to perform charter operations pursuant to contract with the United States Department of Commerce, National Oceanic and Atmospheric Administration shall become effective November 8, 1976, and shall remain in effect through May 6, 1977.

8. That Edwards Trucking Company, Inc., be, and it is hereby, granted temporary authority to transport persons traveling on official government business, government employees, and others traveling for personal convenience, together with mail, in charter operations, over irregular routes, between the NRC office at 1717 H Street, N. W., Washington, D. C., and the NRC office at 7920 Norfolk Avenue (Phillips Building), Bethesda, Maryland, pursuant to contract with the United States Nuclear Regulatory Commission.

9. That unless otherwise provided by order of the Commission the temporary authority granted herein to perform charter operations pursuant to contract with the United States Nuclear Regulatory Commission shall become effective November 8, 1976, and shall remain in effect through May 6, 1977.

10. That Edwards Trucking Company, Inc., be, and it is hereby, required to file Temporary Authority Tariff Number 1 pursuant to the temporary authority granted herein to be effective November 8, 1976.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director